

Christopher Moton, Jr.,) C/A No.: 1:19-1377-MGL-SVH
)
)
Plaintiff,)
)
)
vs.)
)
) ORDER
Director Patricia Ray,)
)
)
Defendant.)
)

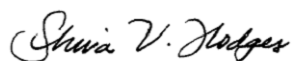
There is no right to appointed counsel in § 1983 cases. *Cf. Hardwick v. Ault*, 517 F.2d 295, 298 (5th Cir. 1975). While the court is granted the power to exercise its discretion to appoint counsel for an indigent in a civil action, 28 U.S.C. § 1915(e)(1); *Smith v. Blackledge*, 451 F.2d 1201 (4th Cir. 1971), such appointment “should be allowed only in exceptional cases.” *Cook v. Bounds*, 518 F.2d 779, 780 (4th Cir. 1975). Plaintiff states he needs counsel because: (1) his imprisonment will greatly limit his ability to litigate, (2) the issues in his case are complex, (3) he does not have access to a law library, (4) he is currently in administrative segregation, and (5) an attorney would aid his

ability to cross-examine witnesses at trial. [ECF No. 3 at 1–2].

After a review of the file, this court has determined that there are no exceptional or unusual circumstances presented that would justify the appointment of counsel, nor would Plaintiff be denied due process if an attorney were not appointed. *Whisenant v. Yuam*, 739 F.2d 160 (4th Cir. 1984). In most civil rights cases, the issues are not complex, and whenever such a case brought by an uncounseled litigant goes to trial, the court outlines proper procedure so the uncounseled litigant will not be deprived of a fair opportunity to present his case. Accordingly, Plaintiff's request for a discretionary appointment of counsel under 28 U.S.C. §1915(e)(1) is denied.

IT IS SO ORDERED.

May 13, 2019
Columbia, South Carolina



Shiva V. Hodges
United States Magistrate Judge